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16 **UNITED STATES DISTRICT COURT**
17
18 **NORTHERN DISTRICT OF CALIFORNIA**
19 **SAN FRANCISCO DIVISION**

20 RICHARD KADREY, *et al.*,
21 Individual and Representative Plaintiffs,
22 v.
23 META PLATFORMS, INC., a Delaware
corporation;
24 Defendant.

Case No. 3:23-cv-03417-VC-TSH

**UNOPPOSED ADMINISTRATIVE MOTION TO
FILE UNDER SEAL JOINT DISCOVERY
LETTER BRIEFS (DKTS. 308 & 309)**

Pursuant to Civil Local Rule 79-5(c)–(e), Defendant Meta Platforms, Inc. (“Meta”) moves this Court for an Order allowing Meta to file under seal a confidential, unredacted version of a document relating to the Parties’ Joint Discovery Letter regarding Meta’s responses to Plaintiffs’ Requests for Production Nos. 118 and 119 (“RFP Joint Letter Brief”) and Joint Discovery Letter regarding Meta’s privilege redactions (“Privilege Joint Letter Brief”). Meta respectfully submits that good cause exists for the filing of these documents under seal. The motion is based on the following Memorandum of Points and Authorities and the Declaration of Nikki Vo in support of this Unopposed Administrative Motion to File Under Seal.

The following chart lists the document for which Meta requests sealing in order to protect Meta’s confidential business information.

Document	Sealing Request
RFP Joint Letter Brief (Dkt. 308)	<ul style="list-style-type: none"> Redacted portions
Privilege Joint Letter Brief (Dkt. 309)	<ul style="list-style-type: none"> Redacted portions

A [Proposed] Order is filed concurrently herewith, and Meta refers the Court to the RFP Joint Letter Brief and Privilege Joint Letter Brief themselves and the supporting evidence attached thereto as further support for this Unopposed Administrative Motion.

I. LEGAL ARGUMENT

Though the presumption of public access to judicial proceedings and records is strong, it “is not absolute.” *Nixon v. Warner Commc’ns. Inc.*, 435 U.S. 589, 598 (1978). The Ninth Circuit treats documents “attached to dispositive motions differently from records [*i.e.*, documents] attached to non-dispositive motions.” *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006); *Ctr. for Auto Safety v. Chrysler Grp.*, 809 F.3d 1092, 1098 (9th Cir. 2016). For non-dispositive motions, such as the Parties’ Joint Letter Brief, the “good cause” standard applies. *OpenTV v. Apple*, No. 14-cv-01622-HSG, 2015 WL 5714851, at *2 (N.D. Cal. Sept. 17, 2015); *Kamakana*, 447 F.3d at 1180 (“A ‘good cause’ showing will suffice to seal documents produced in discovery.”). The Federal Rules afford district courts “flexibility in balancing and protecting the interests of private parties.” *Kamakana*, 447 F.3d at 1180; *DSS Tech. Mgmt. v. Apple*, No. 14-cv-

1 05330-HSG, 2020 WL 210318, at *8 (N.D. Cal. Jan. 14, 2020), *aff'd*, 845 F. App'x 963
 2 (Fed. Cir. 2021) (finding good cause to seal “confidential business and proprietary information”).

3 The redacted portions of the RFP Joint Letter Brief and Privilege Joint Letter Brief contain
 4 Meta’s confidential information, for which Meta requests sealing. The portions of the RFP Joint
 5 Letter Brief discuss Meta’s highly sensitive, confidential practices and processes surrounding its
 6 Llama models and the datasets used to train the Llama models. The portions of the Privilege Joint
 7 Letter Brief contain significant discussion and descriptions, including quotes from the confidential
 8 documents themselves, of Meta’s highly confidential internal communications and documents.
 9 These documents and communications were produced in this litigation and marked “Highly
 10 Confidential – Outside Attorneys’ Eyes Only.” Meta must request sealing of these materials, as this
 11 information is highly sensitive and non-public. Meta takes steps to carefully protect the
 12 confidentiality of information of this sort, as disclosure has the potential to cause significant
 13 competitive injury to Meta. *See, e.g., Space Data Corp. v. Alphabet Inc.*, No. 16-CV-03260-BLF,
 14 2019 WL 285799, at *1 (N.D. Cal. Jan. 22, 2019) (finding information regarding party’s
 15 confidential and proprietary technical information, and sensitive financial information sealable).
 16 These sealing requests are critical to protect Meta’s confidential sensitive technical and competitive
 17 information.

18 The specific bases for sealing these documents are outlined in the accompanying declaration
 19 of Meta’s Director and Associate General Counsel, Nikki Vo. As outlined in Ms. Vo’s declaration,
 20 disclosure of the protected information contained in the materials Meta seeks to seal would cause
 21 competitive harm to Meta if this information is publicly disclosed. Meta’s proposed redactions are
 22 narrowly tailored to include only that information which would cause specific, articulable harm, as
 23 identified in Ms. Vo’s declaration. In each instance, the harm to Meta outweighs the public’s
 24 interest in disclosure. *See, e.g., In re iPhone App. Litig.*, No. 11-md-02250-LHK, 2013 WL
 25 12335013, at *2 (N.D. Cal. Nov. 25, 2013) (granting motion to seal where the defendant’s interest
 26 in “maintaining the confidentiality of information about its technology and internal business
 27 operations” outweighed that of the public in accessing such documents).

28

1 **II. CONCLUSION**

2 Pursuant to Civil Local Rule 79-5, as appropriate, redacted and unredacted versions of the
 3 above-listed document accompanies this Unopposed Administrative Motion. For the foregoing
 4 reasons, Meta respectfully requests that the Court grant its Administrative Motion to Seal.

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 6 Dated: December 4, 2024

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